

### **Remark**

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 2, 6, 8-11, 15-20, 22-31, 33-37, 39 and 41-42 have been amended. No claims have been cancelled. Therefore, claims 1-61 are present for examination.

### **35 U.S.C. §112 Rejection**

The Examiner has rejected claims 8, 9, 17, 18, 23, 24, 28, 29, 34, 35, 41 and 42 under 35 U.S.C. § 112, first paragraph, as not enabled. Examples of a power sequence and a load sequence are described with reference to Table 2, page 16 in the context of BStxPwr (5 bits) and BSload (3 bits). While this is characterized as broadcast information symbols at page 16, line 4, the symbols are modulated and coded into a 256 bit sequence at line 5. At line 6, this is described as a sequence of transmitted bits. Accordingly, the specification describes a broadcast message with power information and load information transmitted as a respective power sequence of bits and a load sequence of bits..

### **35 U.S.C. §112 Rejection**

The Examiner has rejected claims 1- 42 under 35 U.S.C. § 112, second paragraph, as indefinite. The claims have been amended to clarify that each base station has its own transmission with its own broadcast information sequence. However, the claims allow for the information communicated in the different broadcast information sequences to be the same.

### 35 U.S.C. §102 Rejection

#### *Persson*

The Examiner has rejected claims 1-3, 10-12, 30, 31, 36, 37, 43, 47-50 and 53-55 under 35 U.S.C. §102 (e) as being anticipated by Persson et al., U.S. Patent No. 6,647,000 ("Persson"). Persson is cited, in part, to show "determining the base station to which the message is directed based on the timing relationship." While there are many distinctions between Persson and the present invention, Applicant submits that this one distinction is enough to render the claims allowable. The many other distinctions are not specifically addressed herein.

In support of receiving a message from a user terminal having a timing relationship with the predetermined frame, the Examiner cites to Column 16, lines 10-21. This portion of Persson's Claim 28 recites that the mobile station transmits in timeslots designated by a base station synchronization burst. This recitation would appear to conflict with e.g. Col. 9, lines 37-41, in which the synchronization burst designates when a mobile station is to receive, not transmit. Applicant cannot find any support in the specification for mobile stations transmitting common control information. This is a function only of the base stations. Accordingly, it appears as if Claim 28 is miswritten. "Transmitting by the mobile station..." at line 11 and "transmitting..." at line 15 should be "receiving by the mobile station..." and "receiving...." A similar error appears in the preamble, lines 3-4.

In support of determining the base station to which the message is directed based on the timing relationship, the Examiner cites to Column 11, lines 19-27. This section refers only to transmissions by the base station. There is no mention of messages from user terminals (outside of miswritten Claim 28, above) nor of using timing relationships to determine the base station to which the message is directed.

Persson includes several descriptions of how a mobile station receives a synchronization burst and a frequency correction burst which it uses to find control channel messages from base stations. The mobile station uses these messages to make measurements of the base stations (5:30, 6:27, 12:6). Applicants are unable to find any teaching or suggestion in Persson of "determining the base station to which [a user terminal] message is directed based on the timing relationship [with the predetermined frame]." Applicants are unable to find any teaching or suggestion in Persson of any way to identify the base station to which a user terminal message is directed. The reference instead appears to be directed toward base station messages. In all probability, base stations determine which messages to receive based on the conventional practices for GSM and GPRS.

### **35 U.S.C. §103 Rejection**

#### *Other References*

The Examiner has rejected various claims under 35 U.S.C. §103 (a) as being unpatentable over Persson, over Persson in view of Dunn, U.S. Patent No. 6,591,103 ("Dunn"), or over Persson in view of Almgren et al., U.S. Patent No. 6,212,384 ("Almgren"). These references do not overcome the shortcomings mentioned above with respect to Persson.

### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

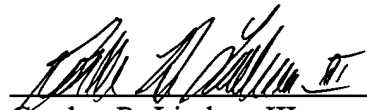
### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/1/9

  
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